

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LEO L. DURAN,

Plaintiff,

v.

No. 09-cv-0758 MCA/SMV

CURRY CNTY. ADULT DET. CTR. et al.,

Defendants.

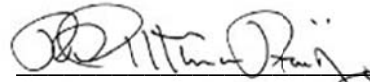
**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 253] ("PF&RD"), issued on October 18, 2013. On reference by the Court, [Doc. 189], the Honorable Stephan M. Vidmar, United States Magistrate Judge, recommended that Defendant Board of Commissioners of Curry County's Motion to Dismiss Plaintiff's Sixth Amended Complaint on the Basis of the Statute of Limitations [Doc. 219] be denied. Judge Vidmar found that Plaintiff's Sixth Amended Complaint [Doc. 145] satisfied the requirements for relation back under Fed. R. Civ. P. 15 to his First Amended Complaint [Doc. 17], and that Defendant's argument that the statute of limitations applied was therefore unavailing. No party has objected to the PF&RD, and the time for doing so has passed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Magistrate Judge's Proposed Findings and Recommended Disposition [Doc. 253] are **ADOPTED**.

IT IS FURTHER ORDERED that Defendant Board of Commissioners of Curry County's Motion to Dismiss Plaintiff's Sixth Amended Complaint on the Basis of the Statute of Limitations [Doc. 219] is **DENIED**.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMJO
Chief United States District Judge